

**Before the State of South Carolina
Department of Insurance**

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| In the Matter of: |) | SCDOI Docket # 07-0842 |
| |) | |
| Johnny M. Simmons |) | ORDER REVOKING RESIDENT PRODUCER |
| d.b.a. Simdawg Bail Bond and Recovery |) | AND SURETY BONDSMAN |
| |) | LICENSE |
| _____ |) | |

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting the revocation of Johnny M. Simmons', ("Producer's") resident producer's license and ("Bondsman") Surety Bondsman license.

After careful review of the evidence presented the Department issues the following decision.

FINDINGS OF FACT

Bondsman is currently a South Carolina resident producer and surety bondsman.

In the State of South Carolina, the bondsman failed to remit premiums to the Palmetto Surety Corporation in the amount of at least \$3,030.23.

In the State of South Carolina, the bondsman failed to remit premiums to the Roche Surety, Inc. in the amount of at least \$21,051.50.

In the State of South Carolina, the bondsman failed to return collateral collected from Maximo Velazquez in the amount of at least \$6,000.00 after being ordered by the Department to do so in a letter dated December 20, 2006 by Willie Seawright, Program Manager, Office of Special Service.

CONCLUSIONS OF LAW

Pursuant to S.C. Code §38-53-150 (A)(4) (A) "The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes:" (4) "misappropriation, conversion, or unlawful withholding of monies belonging to insurers or others and received in the conduct of business under the license." Because Johnny M. Simmons failed to remit premiums to the Palmetto Surety Corporation in the amount of at least \$3,030.23, the Department now moves to revoke his resident producer and surety bondman's license.

Pursuant to S.C. Code §38-53-150 (A)(4) (A) "The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes:" (4) "misappropriation, conversion, or unlawful withholding of monies belonging to insurers or others and received in the conduct of business under the license." Because Johnny M. Simmons

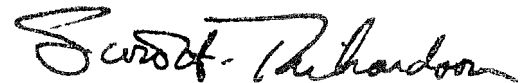
failed to remit premiums to the Roche Surety, Inc. in the amount of at least \$21,051.50, the Department now moves to revoke his resident producer and surety bondman's license.

Pursuant to S.C. Code §38-53-150(A)(7)(8) (A) "The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes:" (7) "failure to comply with or violation of the provisions of this chapter or of any order of the director or his designee or regulation of the department." (8) "when in the judgment of the director or his designee the licensee has in the conduct of his affairs under the license demonstrated incompetency or untrustworthiness, that he is no longer in good faith carrying on the bail bond business, or that he is guilty of rebating, offering to rebate, or offering to divide the premiums received for the bond." Because Johnny M. Simmons failed to return collateral collected from Maximo Velazquez in the amount of at least \$6,000.00 after being ordered by the Department to do so in a letter dated December 20, 2006 by Willie Seawright, Program Manager, Office of Special Service, the Department now moves to revoke his bail bondsmen's license.

THEREFORE, it is ordered that Johnny M. Simmons', South Carolina resident producer and surety bondman's license shall be revoked thirty (30) days from the date of this order, and no license issued through the State of South Carolina Department of Insurance is to be issued to him, unless Johnny M. Simmons requests in writing within said thirty (30) day period a public hearing before the South Carolina Administrative Law Court.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately be notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. §38-3-110(3) (Supp. 2000).



Scott H. Richardson
Director of Insurance

Dated this 7th day of March 2007
Columbia, SC